

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____

v. : **DATE FILED:** _____

TYRONE SMITH, : **VIOLATIONS:**
a/k/a "Tiddy" : **21 U.S.C. § 841(a)(1)**
: **(possession of cocaine with the intent to**
: **distribute - 1 count)**
: **21 U.S.C. § 860**
: **(possession of cocaine within 1000 feet of :**
a school with the intent to distribute
: **- 1 count)**
: **21 U.S.C. §841(a)(1)**
: **(possession of cocaine base with the intent**
: **to distribute - 1 count)**
: **21 U.S.C. § 860**
: **(possession of cocaine base within 1000**
: **feet of a school with the intent to**
: **distribute - 1 count)**
: **18 U.S.C. § 924(c)**
: **(possession of a firearm in connection**
: **with a drug trafficking offense - 1 count)**
: **Notice of additional factors**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about September 9, 2004, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

TYRONE SMITH,
a/k/a "Tiddy,"

knowingly and intentionally possessed with the intent to distribute over 500 grams, that is, approximately 1,547 grams, of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 9, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

**TYRONE SMITH,
a/k/a “Tiddy,”**

knowingly and intentionally possessed with the intent to distribute over 500 grams, that is, approximately 1,547 grams, of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, within 1,000 feet of the real property comprising the Mary Bethune School, a public elementary school, located at 3301 Old York Road in Philadelphia, Pennsylvania in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Section 860(a).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 9, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

**TYRONE SMITH,
a/k/a "Tiddy,"**

knowingly and intentionally possessed with the intent to distribute over 50 grams, that is, approximately 582 grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(A).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 9, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

**TYRONE SMITH,
a/k/a "Tiddy,"**

knowingly and intentionally possessed with the intent to distribute over 50 grams, that is, approximately 582 grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Mary Bethune School, a public elementary school, located at 3301 Old York Road in Philadelphia, Pennsylvania in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Section 860(a).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 9, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

**TYRONE SMITH,
a/k/a “Tiddy,”**

knowingly possessed a firearm, that is, a loaded Star 9 mm semiautomatic pistol, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with the intent to distribute a controlled substance in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offenses charged in Counts One and Two of this indictment, defendant Tyrone Smith:

a. Committed an offense and relevant conduct involving at least 500 grams of cocaine, a Schedule II controlled substance, as described in U.S.S.G. § 2D1.1(a)(3).

b. Committed an offense in which a dangerous weapon (including a firearm) was possessed, as described in U.S.S.G. § 2D1.1(b)(1).

2. In committing the offenses charged in Counts Three and Four of this indictment, defendant Tyrone Smith:

a. committed an offense and relevant conduct involving at least 500 grams of cocaine base ("crack"), a Schedule II controlled substance, as described in U.S.S.G. § 2D1.1(a)(3).

b. committed an offense in which a dangerous weapon (including a firearm) was possessed, as described in U.S.S.G. § 2D1.1(b)(1).

3. In committing the offense charged in Count Five of this indictment, defendant Tyrone Smith:

a. Used and possessed any firearm and ammunition in connection with the commission and attempted commission of another offense, as described in U.S.S.G. § 2K2.1(c)(1).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney